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10/752,139

01/05/2004

Michael Gauselmann

ATR-A-122-1P

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10/30/2006

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EXAMINER

BOND, CHRISTOPHER H

ART UNIT

PAPER NUMBER

3709

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/752,139

Applicant(s)

GAUSELMANN, MICHAEL

Examiner

Christopher H. Bond

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on January 05, 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>01/05/2004 & 08/21/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 18 and 20-21 are rejected under 35 U.S.C. 102(e) as being**

anticipated by Loose et al., US 6517433, (Loose '433).

4. Loose '433 discloses in paragraph [0031] and shows in Fig. 1 a gaming device comprising:

-A main display (16) for displaying a main game to a player, the main game granting awards to the player for certain random outcomes of the main game (see column 2, lines 20-38);

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-A three-dimensional display other than the main display (40), the three-dimensional display presenting a three-dimensional image of a control device to the player (see column 2, lines 65-66);

-A touch detection device for detecting a touching by the player of the perceived three-dimensional image and generating control signals for carrying out a function (see column 2, lines 49-51; column 3, lines 1-3)

5. As to claims 20-21, Loose '433 discloses a three-dimensional display comprising a display that presents offset images to a player to cause the player to perceive a three-dimensional image (see column 2, lines 52-66), wherein the three-dimensional display displays a control device in a bonus game (see column 4, lines 41-57).

6. Note: Applicant is not entitled to the priority date for claims 18, 20, and 21, because these claims include new subject matter and thus, are limited to the filing date of 01/15/2004.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose '433 in view of Loose et. al. US 2003/0157980 (Loose '980).

10. As for claim 1, as explained above, Loose discloses all the limitations, however, Loose '433 differs from the claimed invention because he doesn't explicitly disclose that the electronic display is an organic light emitting diode (OLED).

11. Loose '980 teaches that OLED displays could be used as electronic display in the gaming device (see paragraphs 38 and 49). Loose '980 is evidence that anyone of ordinary skill in the art would find a reason, suggestion or motivation to use an electronic display such as an OLED in a gaming device.

12. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the gaming device described in Loose '433 by using an OLED as an electronic display for the advantage of adding uniqueness and excitement to the gaming machine as described in Loose '980 to obtain the invention specified by the applicant in claim 1.

13. As for claim 3, Loose '433 teaches that the display would be used to display a bonus game, which would be enabled upon certain outcomes of the game (see column 1, lines 47-51; column 4, lines 28-42).

14. As for claims 4, 10, and 16, Loose '433 teaches the touch detection device allows the player to make selections for the bonus game (see column 2, lines 48-51).

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15. As for claim 6, Loose '433 teaches that the gaming device which comprises a plurality of rotatable reels (see column 2, lines 18-21).

16. As for claims 2,7-9, and 13-15, Loose '433 teaches and shows Figure 2a, that the display (14a) overlies a portion of an outer housing of the gaming device. Loose '433 also clearly discloses that the display can be located below (see column 2, lines 58-60), above (see column 3, lines 7-8), or alongside (see column 5, lines 38-41).

17. As for claims 11 and 17, Loose '433 states using the display to display information of the main game to the player (see column 2, line 33).

18. As for claim 12, the method that corresponds to using the gaming device merely discloses the steps of forming/depositing each element and since each element must be formed to make the device, the method would have been obvious in view of the device.

19. **Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loose '433 in view of Blum et al., US 6982649, (Blum).**

20. Loose '433 differs from the claimed invention because he does not explicitly discloses that the three-dimensional display is a holographic display.

21. Blum discloses different kinds of display technologies and state a holographic display as being common example of a display technology (see paragraph 25). He also discloses that using a display technology such as holographic display is advantageous since the display can display graphic images (i.e. pictures) alone, or combinations of the two, either static, moving, or both static and moving, in accordance with selected video content; graphic images could be black and white or in full color (see paragraph 26).

Blum is evidence that one of ordinary skill in the art would find a reason, suggestion or

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motivation to use three-dimensional display such as a holographic display in a gaming device.

22. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the gaming device of Loose by using a holographic display as the three-dimensional display for the purpose of displaying graphic images (i.e. pictures) alone, in tandem, or any combination of the two. These images could either be static or moving, or both. In accordance with selected video content, the graphic images could be black and white, or in full color as taught by Blum to obtain the invention specified by the applicant in claim 19.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher H. Bond whose telephone number is (571)-272-9760. The examiner can normally be reached on 8am – 5pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifur Chowdhury can be reached on (571) 272-2287. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher H Bond
Examiner
Art Unit 2112

CHB


TARIFUR CHOWDHURY
SUPERVISORY PATENT EXAMINER